

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday October 13th, 2020 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

- 1. Call to Order - Roll Call:**
- 2. Approve Agenda:** October 13th, 2020
- 3. Approve Minutes:** September 15th, 2020
- 4. Declaration of Conflict of Interest:**
- 5. Public Hearings:**
 - a.
- 6. Old Business**
 - a. Preliminary Plat – Spring Subdivision Plat of Lots 4 and 5
 - b. Sketch Plan – “Coffin Pit” Property (A portion of the CCH Sylvan Park Property’s Plan)
- 7. New Business:**
 - a. Preliminary Plat – A Plat of M.C. Lucero Tract Revised, Clark Lucero Tract 1, Clark Lucero Tract 2 and Renner Tract of Lucero Subdivision
 - b. Proposed Ordinance – Amendment to CMC 17.52.030, Conditional Use Permits (Public Notification Portion)
 - c. Proposed Ordinance – Amendment to CMC 17.48.030, Variances (Public Notification Portion)
- 8. Discussion Items:**
- 9. Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
- 10. Planning Administrator Updates:**
- 11. Adjournment**

Planning Commission - 10/13/20
Tue, Oct 13, 2020 5:00 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/200348549>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 200-348-549

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

DRAFT

MINUTES OF THE September 15th, 2020 MEETING OF THE OF THE CITY OF CUSTER
PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Joe Uhrich – Vice Chairman; Fred Mills; Kathy Johnson; Scott Olson; Rick Hudson; Marc Moore – Alternate. (Commissioner Hudson present by GoToMeeting)

Members Absent: Jerad Tennyson-Chairman; Larry Maciejewski -Alternate.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Lysann Zeller-BHCoLG; public attendees.

Agenda: Commissioner Mills moved, with a second by Commissioner Moore to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Moore moved, with a second by Commissioner Mills to approve the August 25th, 2020 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: Commissioner Johnson declared conflicts with agenda items 5.c and 7.e.

Public Hearings:

- a. Public Hearing – Custer Citys 2020 Comprehensive Plan, Adoption
Lysann provided a brief introduction to the project. Public comments were invited. Commissioner Johnson moved, with a second by Commissioner Olson to recommend approval and adoption of the Comp Plan by the City Council. Motion carried with Commissioners Uhrich, Mills, Johnson, Olson, Hudson, and Moore all voting yes.
- b. Public Hearing – Conditional Use Permit Request, Short Term Rental, 107 S 11th Street
Planning Commission reviewed the request. Public comments were taken. Commissioner Olson moved, with a second by Commissioner Mills to approve the short-term rental conditional use permit. Discussion was held including but not limited to the presence of the flood hazard on the property and parking available. Uhrichs motion carried with Commissioners Mills, Johnson, Olson, Moore, and Uhrich all voting yes.
- c. Public Hearing – Setback Variance Request, 221 9th Street, Originally Lots 7.8,9 of Block 98
Planning Commission reviewed the request. Public comments were taken. Discussion included but was not limited to the location of the existing home, topography, and street frontage and placement of other nearby structures. After the discussion, Commissioner Moore moved with a second by Commissioner Mills to recommend approval by the Board of Adjustment of the variance as presented. Commissioner Moores motion carried unanimously with Commissioners Olson, Moore, Uhrich, and Mills all voting Yes. Commissioner Johnson moved from the table and abstained from voting.

Old Business:

a.

New Business:

- a. Minor Plat – A Plat of Tract Leboldus 1 & Tract Leboldus 2 of Sydney Park Residential Development Subdivision
Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the access to the parcels and location of existing well and septic system. After the discussion, Commissioner Johnson moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Johnsons motion carried with Commissioners Johnson, Olson, Hudson, Moore, Uhrich and Mills all voting yes.
- b. Minor Plat – A Plat of Nielsen Family Tract 1 & Nielsen Family Tract 2 Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the location of the property and the location of the septic system near the cabins. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Hudson, Moore, Uhrich, Mills, Johnson, and Olson all voting yes.
- c. Minor Plat – A Plat of Ted Tract 1 & Ted Tract 2 of Ramsey Subdivision Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the lot line to be adjusted, access to the parcel and acknowledgement of no additional density created. After the discussion, Commissioner Mills moved, with a second by Commissioner Moore to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Moore, Uhrich, Mills, Johnson, Olson and Hudson all voting yes.

- d. Minor Plat – A Plat of Lot 5R or Block 1, Bourassa Addition Planning Administrator gave a summary and explanation of the plat. A brief discussion was held. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Moore, Uhrich, Mills, Johnson, Olson and all voting yes.
- e. Minor Plat – A Plat of Johnson Tract of Block 98 Addition Planning Administrator gave a summary and explanation of the plat. A brief discussion was held. After the discussion, Commissioner Mills moved, with a second by Commissioner Moore to recommend approval of the Plat by the Council. Commissioner Mills motion carried with Commissioners Mills, Olson, Moore, and Uhrich all voting yes. Commissioner Johnson moved from the table and abstained from voting.
- f. Proposed Annexation – Lot 3 of Lot 2 of Spring Subdivision Planning Administrator gave a brief explanation of the request for annexation. Commissioner Mills moved, with a second by Commissioner Olson to table pending staff and legal review and recommendation. Mills motion carried with Commissioners Johnson, Olson, Moore, Uhrich, and Mills all voting yes.

Discussion Items:

Public Comments:

No public comments were heard by the Commission.

Planning Administrator Updates

Planning Administrator and commission members gave various updates and discussed scheduling.

Adjournment:

Being no further business before the Commission, Commissioner Olson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:18pm.

Approved:

Attest:

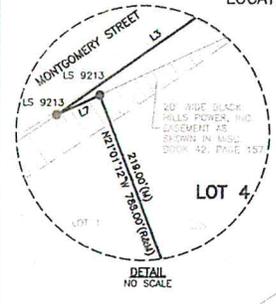
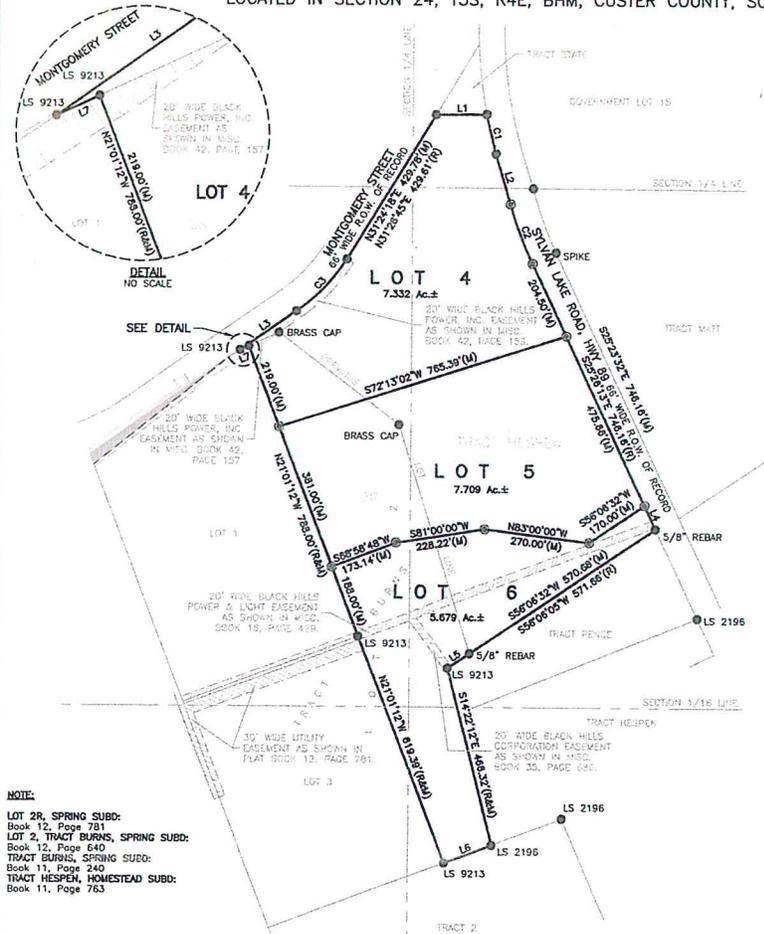
Joe Uhrich – Vice Chairman

Tim Hartmann, Planning Administrator

10/1/20

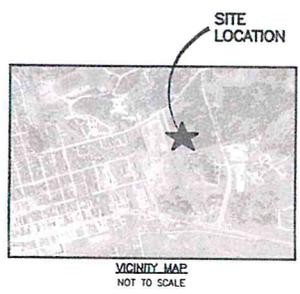
SPRING SUBDIVISION PLAT OF LOTS 4, 5 AND 6

(formerly Lot 2R of Lot 2 of Tract Burns of Spring Subdivision and
Tract Hespen of Homestead Addition (H.E.S. 95) of Homestead Subdivision)
LOCATED IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA



SEPTEMBER 25, 2020
SCALE 1" = 200'

LINE	BEARING	DISTANCE
L1(M)	N89°32'39\"E	128.65'
L1(R)	N89°00'00\"E	128.60'
L2(M)	S11°33'44\"E	133.35'
L3(M)	N53°03'30\"E	173.74'
L3(R)	N53°04'47\"E	173.40'
L4(M)	S25°23'32\"E	66.00'
L4(R)	S25°10'13\"W	67.22'
L5(R)	S69°02'05\"W	129.57'
L7(M)	S69°28'19\"W	23.96'



NOTE:
LOT 2R, SPRING SUBD:
Book 12, Page 781
LOT 2, TRACT BURNS, SPRING SUBD:
Book 12, Page 640
TRACT BURNS, SPRING SUBD:
Book 11, Page 240
TRACT HESPEN, HOMESTEAD SUBD:
Book 11, Page 763

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	102.82'	1144.15'	5°08'20\"	S13°48'04\"E	102.59'
C1(R)	101.72'	1144.15'	5°00'00\"	S14°01'17\"E	101.66'
C2(M)	159.77'	1032.22'	6°52'06\"	S20°59'42\"E	159.61'
C2(R)	159.77'	1032.22'	6°00'00\"	S21°02'23\"E	159.61'
C3(M)	185.12'	448.67'	23°38'22\"	N43°34'22\"E	183.80'
C3(R)	185.08'	448.67'	23°00'00\"	N43°15'46\"E	183.77'

NOTE:
AN AREA OF SPECIAL FLOOD HAZARD DOES NOT EXIST ON SUBJECT PROPERTY.
PREVIOUS PLAT OF SUBJECT PROPERTY IS SHOWN ON PLAT BOOK 12, PAGE 640.

PURSUANT TO SDDL, 11-3-B.1 AND 11-3-B.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

CERTIFICATE OF OWNERSHIP
State of South Dakota
County of Custer

I, the undersigned do hereby certify that I am the owner of the tract of land shown and described herein, that said land is free from any encumbrance, that I did authorize and do hereby approve the survey and within plot of said land for the purposes indicated herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.
OWNER: _____
Matthew Hespen

On the _____ day of _____, 20____, before me, a Notary Public, personally appeared Matthew Hespen, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: _____
My commission expires: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION
I, Director of Equalization of Custer County, do hereby certify that I have received a copy of such plat.
Dated this _____ day of _____, 20____.

APPROVED: _____
Director of Equalization Custer County

CERTIFICATE OF CITY FINANCE OFFICER
I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota, at a meeting held on the _____ day of _____, 20____.

City Finance Officer _____



LEGEND
⊙ Denotes set rebar with survey cap marked "Renner - Assoc. 9213"
⊙ Denotes Found Survey Monument marked LS 4895, unless otherwise noted.
(R) Denotes Recorded in previous plat or description.
(M) Denotes Measured in this survey.

Basis of Bearings: Geodetic North as determined by Global Positioning System. (GPS) WGS 84
UTILITY EASEMENT: 10' wide on the interior sides of all side and rear lot lines.

CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington S.S.

I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed herein, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of miscellaneous record or private easements that are not known to me are not shown hereon.
In witness whereof, I have hereunto set my hand and seal.

Eric D. Howard, Registered Land Surveyor Date: _____

RESOLUTION OF CITY COUNCIL
Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plat of said city, that the streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that the said plat and the survey thereon have been executed according to law.

Now therefore, BE IT RESOLVED, that said plat is hereby approved in all respects.
Dated at Custer, South Dakota this _____ day of _____, 20____.

Mayor _____ Finance Officer _____

CERTIFICATE OF HIGHWAY AUTHORITY
It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.
Dated this _____ day of _____, 20____.

Highway Authority _____

CERTIFICATE OF COUNTY TREASURER
I, Treasurer of Custer County, do hereby certify that all taxes that are liens upon any land included within the Plat, as shown by the records of his/her office, have been fully paid.
Dated this _____ day of _____, 20____.

Treasurer of Custer County _____

CERTIFICATE OF REGISTER OF DEEDS
State of South Dakota
County of Custer S.S.
Filed this _____ day of _____, 20____, at _____ o'clock _____ M.,
in Book _____ of Plats, Page _____.

Register of Deeds _____ Fee: \$ _____



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Sylvan Park Property's Development
Applicant: A Partnership with Mr. Matt Hespen, Custer County Housing Authority, and Custer City
Legal Desc.: Spring Subd - Lots 4 and 5, and Lot 1R
Planning Commission Meeting: July 14, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision of land adjacent to the E, N/E side of the City. Per SDCL 11-3-6 the City is responsible for reviewing and approving plats adjoining the City. The proposed plat will shift the lot lines of the existing Lot 2R (6.86 acres) and Tract Hespen (13.87 acres) into the proposed Lot 4 (15.041 acres) and Lot 5 (5.679 acres). The existing parcels currently do not have any structures upon such.

The proposed plat is an additional phase of some planned development with this parcel and area East of the new Custer Regional Hospital.

The area is currently in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The plat is within the area projected as Suburban Residential on the Comprehensive Plan.

ROUTING SHEET RESPONSES

SDDOT – I will have to sign this plat. The access location from SD89 is acceptable.

ACCESS AND PUBLIC SERVICES

Access to the proposed Lot 4 will be primarily provided by Montgomery Street or Sylvan Lake Road. Although the proposed Lot 5 is currently the remainder of the land and may be incorporated within the property to the South, S/E, access would be desired from Sylvan Lake provided an access location could be granted.

Water services have also been stubbed near the NW corner of the proposed neighboring Lot 4. Sewer services to the property should be a topic of research and discussion.

City staff will continue to research recommendation and requirements pertaining to water and sewer extensions.

ANNEXATION AND ZONING

City staff and Legal Counsel have met to discuss the most feasible mechanics to address annexation, sewer and water extensions and zoning. As we are aware, this plat is an additional phase related to Custer County Housing Authority planned housing project. City legal has advised that specifics such as annexation, sewer and water extensions, and zoning will be most appropriately addressed in a Land Transfer Agreement when the land is transferred between appropriate parties.

UPDATE - JUNE 2020

Planning Commission reviewed this preliminary plat at their November 12th, 2019 meeting, in conjunction with the planned Custer County Housing (CCH) development. See the excerpt from such meeting minutes below.

- a. Minor Plat – Spring Subdivision Plat of Lots 4 and 5.
The Commission and Planning Administrator discussed the minor plat. Discussion included but was not limited to the nature of planned developments, the parties involved, sewer extensions, and needed details of potential construction. After the discussion, Commissioner Mills moved with a second by Commissioner Uhrich to table the Minor Plat until a site plan depicting plan development on the proposed Lot 4 is presented to the Commissioner for further review.

The preliminary site plan and supporting information for the development is attached to this meeting packet.

Planning Commission again reviewed this plat at their June 9th meeting. See excerpt of meeting minutes below.

- a. *Minor Plat – Spring Subdivision Plat of Lots 4 and 5*
Planning Commission reviewed the plat and site plan provided by Tallgrass Landscape Architecture. A discussion was held primarily including annexation of the proposed Lot 4 and sewer extension. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Johnson to recommend denial of the plat until annexation for the proposed Lot 4 is requested by the landowner. Commissioner Uhrich's motion carried with Commissioners Olson, Uhrich, Mills, and Johnson all voting yes.

COMPLETE DEVELOPMENT PLANS, SALE(s), & ANNEXATION AT CLOSING

1. Hesperen presents a proposal (preliminary plat, or at minimum a sketch plan) of proposed development on "Coffin Pit" property, requesting approval of such plan. Such proposal is anticipated to show no more than 3 lots (averaging 5.46 acres each).
2. Planning Commission recommends approval of the Plat of Lots 4 & 5 of Spring Subdivision by the Council with a recommendation that the Council stipulate such approval is contingent upon the sale of Lot 4 from Hesperen to CCH.
3. City approves transfer of "Coffin Pit" (Lot 1R) to CCH, specifying that such be utilized in a way to benefit the development of affordable housing for Custer area residents.
4. City Council approve the Plat of Lots 4 & 5 of Spring Subdivision contingent upon the sale of Lot 4 from Hesperen to CCH, and contingent upon completion of a subdivision agreement binding CCH to sewer extension to Lot.
5. Plat is held in City office, closing docs are prepared, subdivision agreement and petition to annex by CCH is prepared and provided to the City in draft form.
6. Plat, closing docs, subdivision agreement and annexation petition are all presented at a scheduled closing date. *
7. Hesperen signs the plat and closing docs to Custer County housing. *
8. City signs the plat, plat can be filed*
9. CCH completes closing and now owns Lot 4. *
10. CCH signs and presents City Annexation petition to City Planning Administrator. *

* Denotes happens at scheduled closing, probably Southern Hills Title.

Items to consider

- Sewer extension
 - PC mentioned bonding of this.
 - Need to insure developer responsibility for sewer infrastructure.
 - CMC Zoning and 13.12.100 require connection to Sewer.

DRAFT

MINUTES OF THE August 11th, 2020 MEETING OF THE OF THE CITY OF CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Joe Uhrich – Vice Chairman; Kathy Johnson; Scott Olson; Rick Hudson; Marc Moore – Alternate. (Hudson present by GoToMeeting)

Members Absent: Jerad Tennyson-Chairman; Fred Mills; Larry Maciejewski -Alternate.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Brian Raber-Public Works Director; Lysann Zeller-BHCoLG.

Agenda: Commissioner Olson moved, with a second by Commissioner Johnson to approve the agenda. Motion carried with Commissioners Uhrich, Johnson, Olson, Hudson and Moore all voting yes.

Minutes: Commissioner Johnson moved, with a second by Commissioner Moore to approve the July 14th, 2020 minutes. Motion carried with Commissioners Johnson, Olson, Hudson, Moore and Uhrich, all voting yes.

Declaration of Conflict of Interest: None Stated.

Public Hearings:

Old Business:

a.

New Business:

a. **Preliminary Plat – A Plat of Lot 18A, 18B, 18C, 18D, 18E and 18F of Block 1, Stone Hill Subdivision** Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the townhouse lots and compliance with townhouse requirements in the residential zoning, location of utilities, and the curbside sidewalks. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Olson, Moore, Uhrich, and Johnson all voting yes.

b. **Sketch Plan – “Coffin Pit” Property (A portion of CCH Sylvan Park Property’s Plan).**

A discussion was held concerning the sketch plan. The discussion included but was not limited to the topography of the parcels, water services to the parcels and most fitting standards of construction of the access road. After the discussion, Commissioner Johnson moved, with a second by Commissioner Moore to table the sketch plan to align with the schedule of the relating Spring Sub and gather additional input from Mr. Hespen on an asphalt road and infrastructure planned to provide water to the building sites. Commissioner Johnsons motion carried with Commissioners Olson, Moore, Uhrich, and Johnson all voting yes.

Discussion Items:

a. **Rewrite of Custer City’s Comprehensive Plan**

Lysann presented the input from the draft document open houses and provided the commission the most recent document. The Commission plans to complete a final review prior to the August work session and then begin publication for a public hearing in September.

Public Comments:

No public comments were heard by the Commission.

Planning Administrator Updates

Planning Administrator and commission members gave various updates and discussed scheduling.

Adjournment:

Being no further business before the Commission, Commissioner Johnson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:05pm.

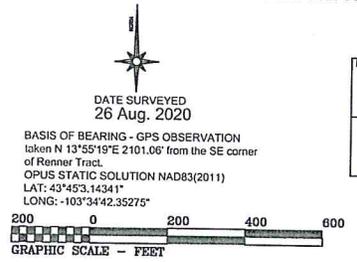
Approved:

Attest:

Joe Uhrich – Vice Chairman

Tim Hartmann, Planning Administrator

A PLAT OF
M.C. LUCERO TRACT REVISED, CLARK LUCERO TRACT 1, CLARK LUCERO TRACT 2 AND RENNER TRACT OF LUCERO SUBDIVISION,
 LOCATED IN THE E 1/2 OF SECTION 36, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA
 FORMERLY M.C. LUCERO TRACT, CLARK-LUCERO TRACT AND LUCERO TRACT

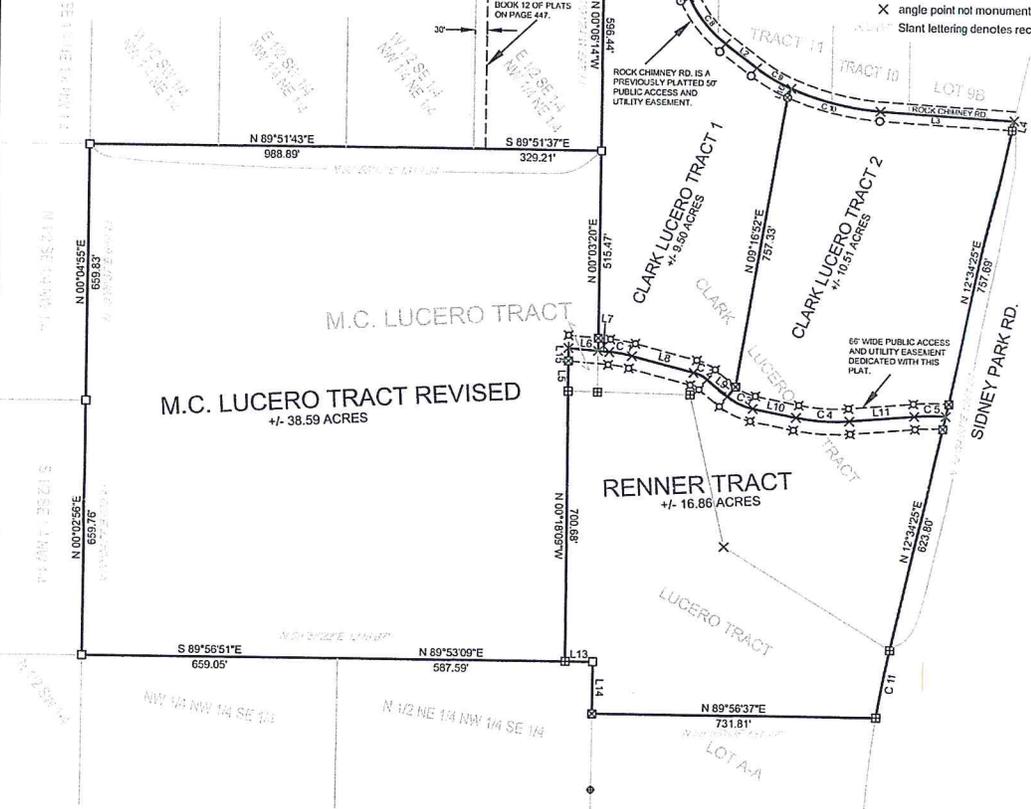


DATE SURVEYED
 26 Aug. 2020

BASIS OF BEARING - GPS OBSERVATION taken N 13°55'19"E 2101.06' from the SE corner of Renner Tract.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°45'3.14341"
 LONG: -103°34'42.35275"

NOTE: See Book 12 of Plats on Page 447 for plat of Lucero Subdivision.

- LEGEND**
- ◆ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
 - ⊠ Set rebar w/aluminum cap marked "ANDERSEN ENGL PLS 5906"
 - ⊠ Set rebar w/plastic cap marked "ANDERSEN ENGL PLS 5906"
 - Found BLM brass cap monument
 - Found rebar w/plastic cap marked "BUCKHORN PLS 4896"
 - ⊠ Found rebar w/aluminum cap marked "BUCKHORN PLS 4896"
 - △ Found rebar w/aluminum cap marked "ADVANCED ENGL. PLS 4896"
 - ⊙ Found rebar
 - × angle point not monumented
 - Slant lettering denotes record calls



Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	354.60'	30.00'	59.86'	9°40'18"	16°09'28"	59.79'	S 80°35'12" E
C2	92.58'	20.00'	39.39'	24°22'52"	61°53'22"	39.10'	S 63°33'37" E
C3	152.40'	37.49'	73.51'	27°38'20"	11°39'13"	37.3820'	S 65°11'21" E
C4	491.66'	69.23'	137.55'	16°01'45"	9°32'57"	137.10'	N 88°52'37" E
C5	600.00'	41.06'	81.99'	7°49'46"	25°00'01"	126.54'	S 81°04'00" E
C6	229.18'	65.83'	128.21'	32°03'07"	10°33'50"	196.63'	S 34°33'43" E
C7	542.38'	99.97'	197.73'	20°53'14"	18°58'16"	152.14'	S 38°43'09" E
C8	302.01'	78.60'	153.79'	29°10'35"	13°52'50"	102.94'	S 60°09'11" E
C9	412.78'	51.88'	103.21'	14°19'33"	8°00'00"	236.53'	S 76°33'41" E
C10	716.20'	119.91'	237.62'	19°00'33"	3°43'06"	176.52'	S 10°41'18" W
C11	2720.50'	88.31'	176.55'	3°43'06"	2°06'22"		

Course	Bearing	Distance
L1	N 00°06'14" W	25.94'
L2	S 53°16'13" S	102.39'
L3	S 86°43'36" E	352.65'
L4	S 12°34'25" W	25.33'
L5	N 00°16'09" W	77.49'
L6	S 85°28'21" E	77.00'
L7	S 85°25'21" E	28.89'
L8	S 75°45'03" E	164.38'
L9	S 51°22'11" E	68.33'
L10	S 79°00'31" E	114.19'
L11	N 84°57'44" E	167.68'
L12	N 38°37'49" E	33.00'
L13	S 89°59'48" E	71.56'
L14	S 00°01'34" E	133.60'
L15	S 00°16'09" E	33.12'
L16	N 22°48'52" E	25.00'

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel Numbers 46033C0425F and 46033C0114F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the City's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with the City of Custer's Flood Ordinance.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewers from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF SURVEYOR
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2020.

John D. McBride SDRLS No. 5906

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2020, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___
 Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 8/26/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gwic.net
Approved by McB	Date 8/26/2020	
Scale 1"=200'	Sheet 1 of 2	File Name: CLARK_LUCERO

A PLAT OF

M.C. LUCERO TRACT REVISED, CLARK LUCERO TRACT 1, CLARK LUCERO TRACT 2 AND RENNER TRACT OF LUCERO SUBDIVISION, LOCATED IN THE E 1/2 OF SECTION 36, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

FORMERLY M.C. LUCERO TRACT, CLARK-LUCERO TRACT AND LUCERO TRACT

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office. Dated this ___ day of ___, 2020.

Custer County Treasurer

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Date: _____

Highway Authority

STATE OF _____, COUNTY OF _____

We, Rodney and Cheryl Renner, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations. Dated this ___ day of ___, 2020.

Rodney Renner

Cheryl Renner

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.

Dated this ___ day of ___, 2020.

Director of Equalization of Custer County

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____, COUNTY OF _____

On this ___ day of ___, 2020, before me, a Notary Public, personally appeared Rodney and Cheryl Renner, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore, BE IT RESOLVED, that said plat is hereby approved in all respects.

Dated at Custer, South Dakota this ___ day of ___, 2020.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2020.

Custer City Finance Officer

STATE OF _____, COUNTY OF _____

I, Marilyn Clark Lucero, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations. Dated this ___ day of ___, 2020.

Marilyn Clark Lucero

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____, COUNTY OF _____

On this ___ day of ___, 2020, before me, a Notary Public, personally appeared Marilyn Clark Lucero, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DIR	Date 8/26/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersonengineers@gwlc.net
Approved by McB	Date 8/26/2020	
Scale 1"=200'	Sheet 2 of 2	File Name: CLARK_LUCERO



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, M.C. Lucero Tract Revised & Clark Lucero Tract 1&2 & Renner Tract
Applicant: Marilyn Clark Lucero
Location: Sydney Park Road, approximately 0.75 miles South of Custer City
Legal Desc.: M.C. Lucero Tract Revised, Clark Lucero Tract 1, Clark Lucero Tract 2 and Renner Tract of Lucero Subdivision - See plat for full legal.
Parcels : 014544, 000670 & 014545
Fee: \$500.00
Date Prepared: October 7th, 2020
Planning Commission Meeting: October 13th, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The proposed plat will shift lot lines and create one new lot. Creating the proposed M.C. Lucero Tract Revised (38.59 acres), Renner Tract (16.86 acres), Clark Lucero Tract 1 (9.50 acres) and Clark Lucero Tract 2 (10.51 acres). A Private well and septic system serve the existing home on the Proposed Renner Tract. The remaining parcels would then support their own well and septic.

This is planned to be the first phase of subdivision as the property owner plans to further divide the proposed M.C. Lucero Tract Revised.

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as countryside residential.

ROUTING SHEET RESPONSES

CC GIS – Road naming, signage, and master street guide input
SDDOT – No comments
USFS – No comments
CC Planning – Discussion regarding road construction and completion of such.
CC ROD – Redline comments.

ACCESS

The primary access to this area is proposed from Sidney Park Road down a partially completed new access road. Assuring completion of the access road has been staffs primary point of preliminary discussion. The road is roughed in as a high-volume road per Custer County Road Standards through the property affected by this plat and to support the planned phase 2 plat.

Note staff's recommendations in the summary and recommendation.

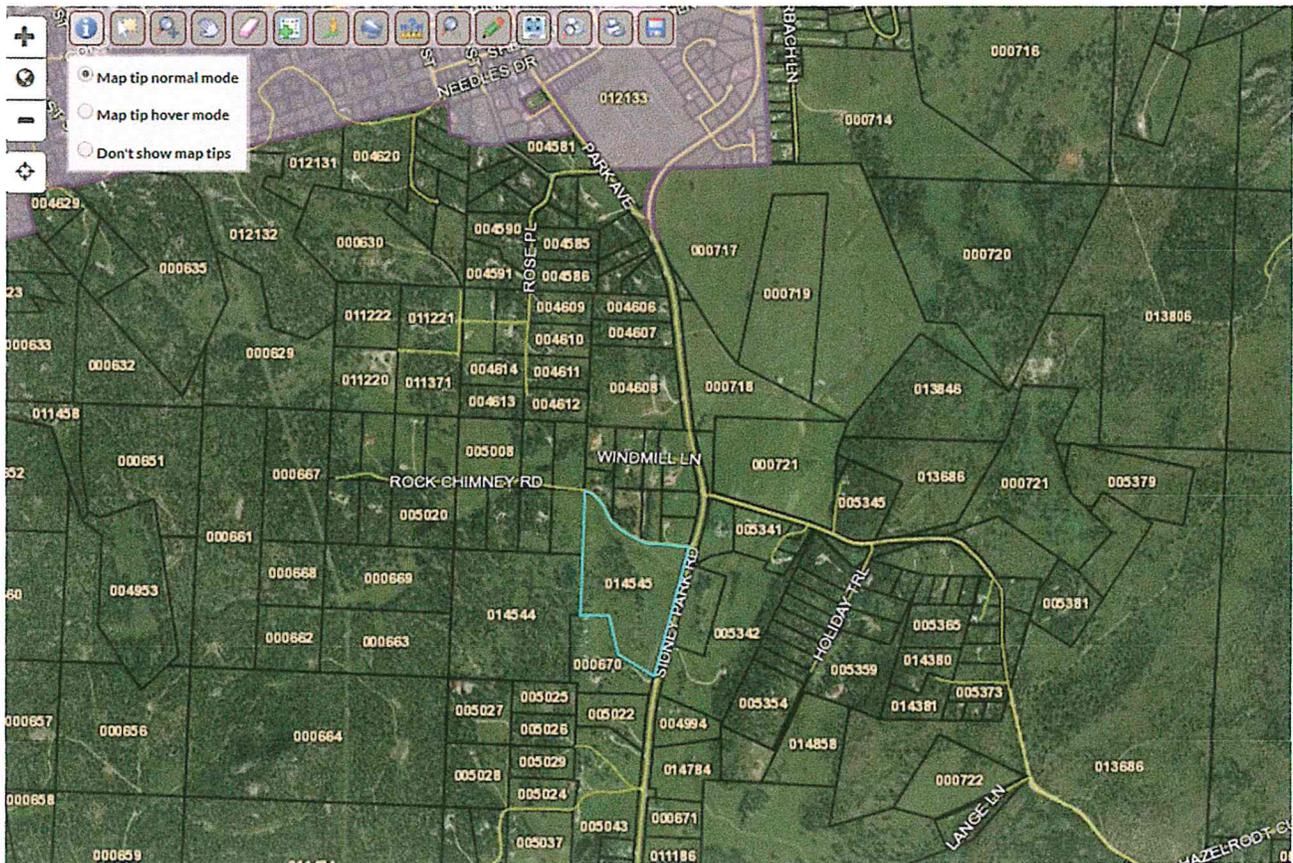
REGULATORY FLOODPLAIN

A portion of this property is affected by regulatory floodplain. The area of special flood hazard has been noted on the plat and any development within such SFHA would be subject to Custer County's Flood Ordinance.

SUMMARY AND STAFF RECOMMENDATION

The parcels being platted, and the next phase appear to be of adequate size and dimension to support private water and wastewater systems. Staff feels the construction of the road to support this subdivision is the primary concern. Staff supports a recommendation to Council to approve the preliminary plat, with a recommendation to require all of the following are completed by the applicant prior to approval of the final plat;

- The 66' Public Access and Utility Easement for the road, in its entirety, is added to the current plat (into proposed M.C. Lucero Tract Revised).
- The high-volume road is completed and accepted by Custer City Planning and Custer County Highway Department. Highway Authority signature will also assist in accomplishing this.
- Custer County PD "Agreement for the Installation of a Road Name Sign" completed and submitted to Custer County Planning Dept
- Road Name reviewed and approved by Custer County GIS
- Road name added and minor redlines addressed on plat.
- Payment for road sign(s) made to the Custer County Planning Department



ORDINANCE NO - 842

An Ordinance amending Title 17 Zoning, Chapter 17.52 Conditional Use Permits, Section 30 Procedure for Review of an Application, Subsection B of the City of Custer City Municipal Code and amending, replacing and superseding all prior ordinances or amendments, as follows:

Chapter 17.52

Conditional Use Permits

Sections

17.52.030 Procedure for Review of an Application

17.52.30 Procedure for Review of an Application

B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application along with his/her recommendation concerning the granting of a Conditional Use Permit. The application and recommendation shall be presented in a public hearing at the next regularly scheduled Planning Commission meeting. At the meeting, any interested person shall be given a full, fair, and complete opportunity to be heard.

1. After the application is added to the Planning Commission agenda, notice of the application shall be given by sign, mail, and newspaper.

i. a. Sign: A sign will be furnished by the Planning Administration and posted by the Planning Administration. The sign must be posted in plain public view at the property where the conditional use is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the Planning Commission is completed. The sign shall comply with SDCL 11-4-4.4.

ii.i. b. Mail: A minimum of ten (10) days prior to the public hearing, the ~~Planning Administration applicant~~ shall notify all property owners within two hundred fifty (250) feet, ~~exclusive of rights-of-way and any properties under the same ownership,~~ from any part of the property being considered for a Conditional Use Permit. Mail notification shall be given by use of a "Notice of Hearing" form established by the Planning Administrator and shall be sent by First Class Mail. Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

~~iii-ii.~~ c. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the Planning Commission's meeting.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 2nd day of November 2020.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: October 19th, 2020
Seconding Reading: November 2nd, 2020
Publication: November 11th, 2020

Vote:

Ryan:	Fischer:
Pechota:	Schilling:
Nielsen:	Whittaker:

ORDINANCE NO. 843

An Ordinance amending Title 17 Zoning, Chapter 17.48 Variances, Section 30 Procedure for Review of an Application, Subsections B and D of the City of Custer City Municipal Code and amending, replacing and superseding all prior ordinances or amendments, as follows:

Chapter 17.48

Variances

Sections

17.48.030 Procedure for Review of an Application

17.48.030 Procedures for Review of an Application

B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application to the Planning Commission in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. The Planning Administrator shall also present a report indicating the Planning Administrators recommendation concerning the approval of the application. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.

1. Notice of the Planning Commission public hearing shall be given by sign, mail, and newspaper.

a. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the variance zoning application is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.

i. b. Mail: A minimum of ten (10) days prior to the public hearing, the Planning Administration applicant shall notify, by mail, all property owners ~~of the property to be zoned or rezoned and all property owners~~ within two hundred fifty (250) feet, ~~exclusive of rights of way and any properties under the same ownership~~, from any part of the property being considered for a variance. proposed zone or rezone. Mail notification shall be given by use of a "Notice of Hearing" form established by the Planning Administrator and shall be sent by First Class Mail. Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

- ii. c. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.

D. Following the Planning Commission recommendation, Board of Adjustment shall review the variance application in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.

1. After recommendation is made by the Planning Commission, notice of the Board of Adjustment public hearing shall be given by sign, mail, and newspaper.

- iii. a. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the variance is requested and must be posted no less than ten (10) days prior to the date of the Board of Adjustment meeting and must remain posted until final action by the Board of Adjustment is completed. The sign shall comply with SDCL 11-4-4.4.

~~iv. b. Mail: A minimum of ten (10) days prior to the public hearing, the Planning Administration applicant shall notify, by mail, all property owners within two hundred fifty (250), ~~exclusive of rights-of-way and any properties under the same ownership~~, from any part of the property being considered for a variance. Mail notification shall be given by use of a "Notice of Hearing" form established by the Planning Administrator and shall be sent by First Class Mail. Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.~~

- ~~v. iv.~~ c. The Planning Administration will publish legal notice in the local newspaper at least ten (10) days prior to the Board of Adjustments meeting.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 2nd day of November 2020.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: October 19th, 2020

Seconding Reading: November 2nd, 2020

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